



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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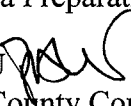
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JOHN F. KRATTLI
County Counsel

June 26, 2013

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Barbara Batchan for the Estate of Parrish Batchan v. County
of Los Angeles
Los Angeles Superior Court Case No. BC 423 702

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Barbara Batchan for the Estate of Parrish Batchan v. County of Los Angeles, Los Angeles Superior Court Case No. BC 423 702, in the amount of \$750,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barbara Batchan for the Estate of Parrish Batchan v. COLA
CASE NUMBER	LASC Case No. BC423702
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: August 15, 2012 Claim: April 16, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 750,000
ATTORNEY FOR PLAINTIFF	Benjamin Schonbrun, Esq. Michael Seplow, Esq. Aidan C. McGlaze, Esq. Schonbrun Desimone Seplow Harris & Hoffman, LLP John Burton, Esq. Law Offices of John Burton
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	This is a recommendation to settle for \$750,000, the lawsuit and claims filed by Plaintiffs Barbara Batchan on behalf of the Estate of Parrish Batchan and Samund Meyers against the County and two Sheriff's Deputies for the alleged wrongful death of Parrish Batchan. Plaintiffs allege that two Sheriff's Deputies, without probable cause,

confronted decedent and used excessive force in the application of a Taser.

The Deputies contend that they acted reasonably under the circumstances; however, in light of the potential for high exposure, and the uncertainties of litigation, a full and final settlement of the case in the amount of \$750,000 is recommended.

The first Batchan case went to trial as an excessive force case that resulted in a hung jury. When Mr. Batchan died, the case was refiled as the instant wrongful death case.

PAID ATTORNEY FEES, TO DATE	\$	709,549 (for Batchan I and II)
PAID COSTS, TO DATE	\$	353,273 (for Batchan I and II)

Case Name: Barbara Batchan for the Estate of Parrish Batchan v. COLA



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Monday, December 29, 2008; approximately 3:30 p.m.
Briefly provide a description of the incident/event:	<p><u>Barbara Batchan for the Estate of Parrish Batchan v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-008</p> <p>On Monday, December 29, 2008, at approximately 3:30 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's East Los Angeles Station, received a radio call reporting a disoriented man walking in traffic clothed only in his underwear.</p> <p>When the deputy sheriff contacted the man, the man fled and ran across the center divider and into oncoming traffic. With assistance provided by a second Los Angeles County deputy sheriff and an officer from the Vernon Police Department, a TASER device was deployed. The man was ultimately subdued and taken into custody.</p> <p>The man was treated by paramedics from the city of Vernon and subsequently transported to Los Angeles County/University of Southern California Medical Center.</p> <p>The man remained in a long-term care facility until his death in February, 2012.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In her lawsuit, the plaintiff (on behalf of the Estate of Parrish Batchan) alleged wrongful death, assault and battery, excessive force, and a violation of civil rights following her son's contact with members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

County of Los Angeles
Summary Corrective Action Plan

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly reviewed by the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. As a result, appropriate administrative action was imposed.

3. Are the corrective actions addressing department-wide system issues?

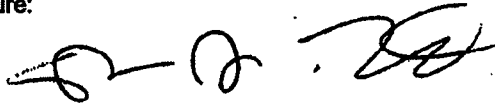
- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shaun J. Mathers, Captain
Risk Management Bureau

Signature:



Date:

5/20/13

Name: (Department Head)

Glen Dragovich, Division Director
Administrative and Training Division

Signature:



Date:

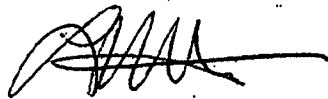
5-23-13

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☒ No, the corrective actions are applicable only to this department.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	6/4/13